Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT D. FARRIS, DALE L. BARTHOLOMEW,
and STEPHEN J. FLAHERTY

Appeal No. 1999-2317
Application No. 08/634,543

ON BRIEF

Before HAIRSTON, DIXON, and BARRY, Administrative Patent Judges.
BARRY, Administrative Patent Judge.

DECISION ON APPEAL

The examiner rejected the appellants' claims 1-22. They appeal therefrom under 35 U.S.C. § 134(a). We reverse.

BACKGROUND

The appellants' invention provides telephonic voice communication over the Internet. A caller can select Internet routing, which may be cheaper than long distance carrier routing, by dialing a predetermined Internet prefix (e.g.,

"*82") followed by a destination's telephone number. Detection of the prefix at the caller's associated central office switching system ("CO") will trigger call processing through a common channel interoffice signaling ("CCIS") network, which includes signaling transfer points (STPs), to set up a call between the caller's CO and the called party's CO through a virtual Internet link.

Claim 17, which is representative for present purposes, follows:

> 17. A communications network comprising:
>
> a switched telecommunications network having interconnected central office switching systems and having subscriber lines connected to said central office switching systems providing connection between terminals connected to said subscriber lines, each of said central office switching systems responding to a service request on a subscriber line connected thereto to selectively provide a communication connection between the requesting line and another selected subscriber line through the connected central office switching system or through the connected central office switching system and at least one other central office switching system;
>
> a separate control network for said switched telecommunications network comprising a common channel interoffice signaling network including signal transfer points connected to said central office switching systems through signal switching

points via links between said signal switching points and signal transfer points;

a global information system termed Internet that is logically linked together by a globally unique address space based on the Internet Protocol (IP);

at least a pair of said central office switching systems having connected thereto an Internet module, said central office switching systems providing selective connection between said modules and the subscriber lines connected to each of said pair of central office switching systems;

each of said Internet modules including a processor;

said Internet modules being linked to signal transfer points in said control network;

connections between said customer premise terminals connected to subscriber lines and their respective central office switching systems being established responsive to signals via said control network whereby a virtual connection is established from a customer premises terminal connected to one of said subscriber lines through the central office switching system connected to one of said Internet modules through said Internet module through the Internet to the other of said Internet modules through the central office switching system connected to said other Internet module through a subscriber line connected to said central office switching system connected to said other Internet module and to a customer premises terminal connected to said subscriber line connected to said last named central office switching system to provide voice communication between said customer premises.

The prior art applied by the examiner in rejecting the claims follows:

Wheeler, Jr. (“Wheeler”)	5,583,920 (filed Sep. 12, 1994)	Dec. 10, 1996
Gordon	5,608,786 (filed Feb. 13, 1995)	Mar. 4, 1997.

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as obvious over Wheeler in view of Gordon. Rather than reiterate the arguments of the appellants or examiner in toto, we refer the reader to the briefs and answer for the respective details thereof.

OPINION

After considering the record, we are persuaded that the examiner erred in rejecting claims 1-22. Accordingly, we reverse. We begin by summarizing the examiner's rejection.

Admitting that Wheeler’s advanced intelligent network (“AIN”) does not connect its central office switching systems (“CO SSPs”) or any other components to the Internet, (Final Rejection at 3), the examiner asserts, "it would have been

obvious ... to add the Global Internet System Capability of **Gordon's** invention to the CO SSP 13 to CO SSP 15 inter-Local Area network capability of **Wheeler, Jr's.** invention for a global information system termed Internet that is logically linked together by a globally unique address space based on the Internet Protocol ...." (Id. at 3-4.) With this assertion in mind, we consider the appellants' arguments regarding the following logical groups of claims:

- claims 1-9
- claims 10-22.

We begin with the first group of claims.

I. Claims 1-9

The appellants argue, "Gordon has no disclosure of the call signaling setup procedure required by independent claim 1 ...." (Appeal Br. at 11.) Claim 1 specifies in pertinent part the following limitations: "signaling through said control network to establish that said second subscriber line is not busy; upon establishing that said second subscriber line is not busy, holding said second subscriber line and signaling through said control network to notify said first of

said central office switching systems that said second subscriber line is available and that a processor is associated with said second of said central office switching systems ....” Accordingly, claims 1-9 require inter alia signaling through a CCIS network to establish that a destination subscriber line is not busy, holding the line for a call, and signaling through the network to notify a calling CO that the line is available and that a processor is associated therewith.

The examiner fails to show a teaching or suggestion of the limitations in the applied prior art. "’A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’" In re Bell, 991 F.2d 781, 782, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting In re Rinehart, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

Here, although Gordon discloses that its “UniPost system can be used for providing a direct telephone link using the

data transmission network involving Internet," col. 8, ll. 62-64, there is no teaching of signaling through a CCIS network to establish that a destination subscriber line is not busy, holding the line for a call, and signaling through the network to notify a calling central office switching system that the line is available and that a processor is associated therewith. To the contrary, the reference discloses that the origination and destination UniPost Access Nodes will already have formed a live communication with the respective telephones before an Internet link is established. Specifically, "[e]ach of these have formed a live communication with the originating telephone set and the receiving telephone set." Col. 8, l. 67 - col. 9, l. 2 (emphasis added).

Because Gordon's origination and destination UniPost Access Nodes will already have formed a live communication with the respective telephones before an Internet link is established, we are not persuaded that the teachings from the applied prior art would have suggested the limitations of "signaling through said control network to establish that said

second subscriber line is not busy; upon establishing that said second subscriber line is not busy, holding said second subscriber line and signaling through said control network to notify said first of said central office switching systems that said second subscriber line is available and that a processor is associated with said second of said central office switching systems ....” Therefore, we reverse the rejection of claims 1-9 as obvious over Wheeler in view of Gordon. We conclude with the last group of claims.

II. Claims 10-22

The appellants argue, "there is no teaching or suggestion in Wheeler or Gordon, considered individually or in combination, of a link between an Internet module and the signal transfer point of the control network of the telecommunications network." (Appeal Br. at 17.) Claims 10 and 11 specify in pertinent part the following limitations: "at least a pair of said central office switching systems having connected thereto an Internet module, said central office switching systems providing selective connection between said modules and the subscriber lines connected to

each of said pair of switching systems; ... said Internet modules being linked to signal transfer points in said control network ....” Similarly, claim 17 specifies in pertinent part the following limitations: "at least a pair of said central office switching systems having connected thereto an Internet module, said central office switching systems providing selective connection between said modules and the subscriber lines connected to each of said pair of central office switching systems; ... said Internet modules being linked to signal transfer points in said control network ....” Accordingly, claims 10-22 require inter alia linking origination and destination COs’ respective Internet modules to signal transfer points (“STPs”) in a CCIS.

The examiner fails to show a teaching or suggestion of the limitations in the applied prior art. Gordon’s UniPost system omits STPs. Although Wheeler’s AIN includes STPs 23, 25, and 31, (fig. 1A,) it is unclear why one of ordinary skill in the art would have linked Gordon’s UniPost Access Nodes thereto.

Because Gordon's origination and destination UniPost Access Nodes are not linked to STPs, we are not persuaded that the teachings from the applied prior art would have suggested the limitations of "at least a pair of said central office switching systems having connected thereto an Internet module, said central office switching systems providing selective connection between said modules and the subscriber lines connected to each of said pair of switching systems; ... said Internet modules being linked to signal transfer points in said control network" or "at least a pair of said central office switching systems having connected thereto an Internet module, said central office switching systems providing selective connection between said modules and the subscriber lines connected to each of said pair of central office switching systems; ... said Internet modules being linked to signal transfer points in said control network ...." Therefore, we reverse the rejection of claims 10-22 as obvious over Wheeler in view of Gordon.

CONCLUSION

In summary, the rejection of claims 1-22 under § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)
JOSEPH L. DIXON Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
LANCE LEONARD BARRY Administrative Patent Judge	)

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APPLICATION NO. 08/634,543

APJ BARRY - **2 copies**

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Prepared By: APJ BARRY

DRAFT SUBMITTED: 19 Sep 02

FINAL TYPED:

Team 3:

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